**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**C.R.No. 774 of 2007**
**Date of decision : 13.2.2007**

Som Nath

.....Petitioner.

Versus

Sarwan Kumar and another.

.....Respondents.

**CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA**

Present : Mr.M.S. Dhami, Advocate
for the petitioner.

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**VINOD K. SHARMA,J.( ORAL )**

The present revision petition has been filed against an order passed by the learned District Judge, Jallandhar dismissing the application moved by the petitioner for transfer of his case to any other Court of competent jurisdiction at Nawanshahar or Jallandhar.

The only ground on which the transfer of the case is sought is that the learned Addl. Civil Judge, Balachaur had decided the suit titled as Som Nath Vs. Sarwan Kumar. The appeal was filed against the said order and the learned Additional District Judge, Nawanshahar remanded the case back to the learned trial Court for fresh decision. The learned counsel for the petitioner claimed that as the Court below has already expressed its opinion it would be appropriate to transfer the case to any other Court. This contention has rightly been rejected by the learned District Judge. Merely because the Court has decided the matter which is subsequently set aside and case is remanded back for fresh decision, cannot be a ground to transfer

the case, in absence of any other material on record. The application moved by the petitioner in fact was totally misconceived and was rightly rejected by the learned District Judge.

No ground is made out to interfere with the well reasoned judgment of the learned District Judge.

Dismissed.

13.2.2007 **( VINOD K. SHARMA )**
**'sp'** **JUDGE**